

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**DeCARLO L. DENNY,**

**Plaintiff,**

**v.**

**Case No. 12-cv-1028**

**OCONTO COUNTY POLICE DEPARTMENT and  
BERNIE FAITH,**

**Defendants,**

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**ORDER**

Plaintiff, DeCarlo L. Denny, who is proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 and has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Pursuant to the Prison Litigation Reform Act, plaintiff is required to pay the statutory filing fee of \$350.00 for this action. See 28 U.S.C. § 1915(b)(1).

By order dated October 12, 2012, plaintiff was ordered to forward to the Clerk of Court by November 2, 2012, the sum of \$10.08 as an initial partial filing fee in this action. Plaintiff was advised that, upon payment of this fee, the court would determine whether the action can proceed in forma pauperis. To date, plaintiff has not paid this partial filing fee. From this failure to pay the initial filing fee this court infers that plaintiff no longer wants to prosecute this action. Therefore,

**IT IS ORDERED** that this action be and hereby is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute.

**IT IS ALSO ORDERED** that a copy of this order be sent to the warden of the institution where the inmate is confined.

Dated at Milwaukee, Wisconsin, this 14th day of November, 2012.

s/ Lynn Adelman

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LYNN ADELMAN  
District Judge